

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT HUNTINGTON**

WILLARD BAYS, individually and on	)	
behalf of all others similarly situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:21-cv-00460
	)	Hon. Robert C. Chambers
WALMART INC., a Delaware	)	
corporation, WAL-MART STORES	)	
EAST, LP, a Delaware corporation,	)	
	)	
	)	
Defendants.	)	
	)	
	)	
	)	
	)	
	)	

---

**NOTICE OF SETTLEMENT**

Defendants Walmart Inc. and Wal-Mart Stores East, LP (collectively, “Walmart” or “Defendants”) notify the Court that on March 3, 2022, the United States District Court for the Western District of Texas entered an Order Granting Preliminary Approval of Class Action Settlement Agreement and Conditionally Certifying Settlement Class For Settlement Purposes Only in *In Re: CaptureRX Data Breach Litigation*, 5:21-CV-00523-OLG. *See* Ex. A (order granting preliminary approval of class action settlement); Ex. B (CaptureRX settlement).

The CaptureRX settlement resolves, settles, and releases, among other things, all claims and causes of action that natural persons residing in the United States had, have, or may have against Walmart that arise from, arise out of, are based upon, or relate to the CaptureRX data

breach. The CaptureRX settlement expressly releases, among other things, all claims Plaintiff Willard Bays asserted or that could have been asserted in the above-captioned *Bays* litigation.

The deadline to object or opt out of the CaptureRX settlement was May 17, 2022. Plaintiff Bays did not object or opt out of the CaptureRX settlement.<sup>1</sup> A final approval hearing on the CaptureRX Settlement is set for June 23, 2022.

Dated: May 31, 2022

/s/Alexander Macia

Alexander Macia (WV State Bar #6077)  
Tai Shadrick Kluemper (WV State Bar #12261)  
SPILMAN THOMAS & BATTLE, PLLC  
300 Kanawha Boulevard, East (25301)  
Post Office Box 273  
Charleston, WV 25321-0273  
Telephone: (304) 340-3866  
Email: [amacia@spilmanlaw.com](mailto:amacia@spilmanlaw.com)

Kristine McAlister Brown (*pro hac vice*)  
Donald Houser (*pro hac vice*)  
Shifali Baliga (*pro hac vice*)  
ALSTON & BIRD LLP  
One Atlantic Center, Suite 4900  
1201 West Peachtree Street  
Atlanta, GA 30309  
Telephone: 404-881-7633  
Email: [donald.houser@alston.com](mailto:donald.houser@alston.com)

*Counsel for Walmart Inc. and Wal-Mart  
Stores East, LP*

---

<sup>1</sup> Based on information received from CaptureRX's counsel.

